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1765133 - R8 SDMS

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To: susan.nachtrieb@state.co.us

cc: Lee Hanley/ENF/R8/USEPA/US@EPA, Debrah Thomas@EPA, Steve Tuber@EPA, (bcc: Sheldon Muller/ENF/R8/USEPA/US)

Subject: RICO Water Quality Assessment

Susan,

I'm sorry we couldn't get hooked up on the conference call yesterday regarding the Rico/Argentine Water Quality Assessment and I appreciate you and Regina being available for follow-up today. I wanted to let you know that the assessment itself is very comprehensive and allows us to evaluate and discuss water quality and the numerous sources of pollutants which are present in the Dolores River and its' tributaries around Rico, CO. The spreadsheets are easy to navigate and I believe easily understood.

EPA has previously commented on the assessment and this e-mail is intended to clarify those comments with regard to possible permit conditions based on the assessment findings.

Although the approach is comprehensive in developing maximum loads for the receiving waters and separate load allocations(LAs) for non-point sources and background plus wasteload allocations (WLAs) for all the point sources, some shifting of loads between point sources was necessary to ensure water quality standards are achieved downstream of the individual point sources and the aggregate load from the point sources. This shifting of loads would not be possible under NPDES permitting regulations unless all of the point sources were issued effective NPDES permits that reflect the WLAs given in the assessment. Otherwise a permit issued to an individual point source could have limits that would cause or contribute to a violation of water quality standards. This is prohibited under 40 CFR §122.4(d). Permits must also meet the requirements of 40 CFR §122.44(d). The distribution of WLAs for multiple point sources may best be done through an approved TMDL.

EPA believes that in the absence of a TMDL, this assessment shows any point source NPDES permit issued must reflect water quality standards at the end-of-pipe, or better, in order to not trigger the §122.4(d) prohibition. The assessment does not show that there is actual remaining assimilative capacity instream for each pollutant from each point source, but rather, all of the WLAs will be implemented through a permit and the aggregate WLAs will meet the Dolores River water quality standards.

If you have any questions, please call me at (303) 312-6133.

Bruce